

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

THE ANDERSON LIVING TRUST  
f/k/a THE JAMES H. ANDERSON LIVING  
TRUST, et al.,

Plaintiffs,

v.

CV No. 13-909 WJ/CG

ENERGEN RESOURCES CORPORATION,

Defendant.

**ORDER ADOPTING CHIEF MAGISTRATE JUDGE'S  
PROPOSED FINDINGS AND RECOMMENDED DISPOSITION**

**THIS MATTER** is before the Court upon Chief Magistrate Judge Carmen E. Garza's *Proposed Findings and Recommended Disposition* (the "PFRD"), (Doc. 290), filed April 29, 2021, and the parties' *Joint Motion for Order (1) Preliminarily Approving Class Settlement, (2) Approving Notice to Class Members, (3) Establishing Opt Out and Objection Procedures, (4) Appointing a Class Administrator, and (5) Setting a Final Hearing Date to Consider Final Approval of the Class Settlement, Attorneys' Fees and Expenses* (the "Motion"), (Doc. 283), filed April 5, 2021.

Pursuant to 28 U.S.C. § 636(b)(1), a party may file written objections with the Clerk of the District Court within 14 days after that party is served with a copy of a proposed findings and recommended disposition. In this case, however, at the April 27, 2021 motion hearing, the parties waived the objections period set forth in § 636(b)(1). (Doc. 75). The recommendation of the Chief Magistrate Judge is therefore adopted by this Court.

The Court, having considered the terms of the parties' Settlement Agreement, the record of this case, the relevant law, and the recommendation of the Chief Magistrate Judge, finds the

settlement is fair, reasonable, and adequate, finds that it is preliminarily **APPROVED**, and that the Motion shall be **GRANTED**.

**IT IS THEREFORE ORDERED** as follows:

1. The Settlement Agreement, (Doc. 283-1, Exhibit A), is preliminarily **APPROVED** as fair, reasonable, and adequate pursuant to FED. R. CIV. P. 23(e);
2. The Notice of Class Action and Proposed Settlement (the “Notice”), (Doc. 283-1, Exhibit A), is **APPROVED** as to form and content;
3. By no later than **May 11, 2021**, Defendant Energen Resources Corporation shall deposit the settlement payment of \$5,610,000.00 into the escrow account established pursuant to Escrow Agreement, as set forth in Paragraph 2 of the Settlement Agreement, and subject to the conditions set forth in the Settlement Agreement and the Escrow Agreement;
4. Barbara A. Ley, CPA, CITP, CFF, is **APPOINTED** as Class Administrator, and shall be responsible for mailing the Notice to the class members;
5. The Class Administrator shall mail by first class mail the Notice to the members of the Settlement Class by no later than **May 7, 2021**;
6. Any member of the Settlement Class who wishes to request exclusion (“opt out”) from the Settlement Class shall submit a written opt-out election, postmarked on or before **June 7, 2021**. In accordance with the procedures set forth in the Notice, any such opt-out election must be in writing, and must be mailed to Class Counsel and the Class Administrator at the address provided in the Notice;
7. Any member of the Settlement Class who wishes to revoke their request to opt out from the Settlement Class shall submit a written revocation, postmarked on or before

**June 7, 2021;** In accordance with the procedures set forth in the Notice, any such revocation must be in writing, and must be mailed to Class Counsel and the Class Administrator at the address provided in the Notice;

8. Any member of the Settlement Class who wishes to make objections to, or comment on, the proposed Class Settlement, or Class Counsel's request for attorney fees and expense reimbursements, shall postmark and mail such objections or comments on or before **June 16, 2021**. In accordance with the procedures set forth in the Notice, any such objections or comments must be mailed to Class Counsel, Defendant Energen Resources Corporation's counsel, and the Court;

9. The parties shall file motions in support of final approval of the Class Settlement, and Class Counsel shall file its request for attorney fees and expense reimbursement, no later than **June 28, 2021**;

10. Any member of the Settlement Class who wishes to appear and be heard at the final approval hearing shall postmark and mail notice of such intention by no later than **July 9, 2021**. Notice of such intention must be mailed to Class Counsel, Defendant Energen Resources Corporation's counsel, and the Court;

11. Class Counsel and Defendant Energen Resources Corporation's counsel may file a response to any objections or comments by members of the Settlement Class before **July 19, 2021**;

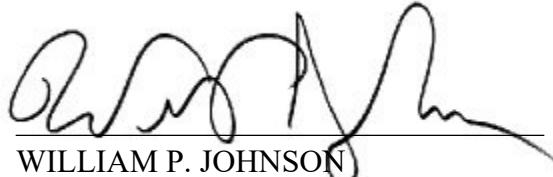
12. The Court will conduct a hearing via Zoom to consider final approval of the proposed Class Settlement and Class Counsel's request for attorney fees and expense reimbursements on **Monday, July 19, 2021, at 10:00 a.m.**, accessible as follows:

Zoom link: <https://nmd-uscourts.zoomgov.com/j/1606186263>  
Meeting ID: 160 618 6263

Passcode: 461786

**IT IS FINALLY ORDERED** that all pending discovery and case management deadlines in this action are stayed until further order of the Court.

**IT IS SO ORDERED.**



WILLIAM P. JOHNSON  
CHIEF UNITED STATES DISTRICT JUDGE